IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO. 625 OF 2003

IN

SUMMARY SUIT NO. 1662 OOF 2003

Sunil Jhaveri .. Plaintiff

versus

M/s.Shah Traders .. Defendant

...

Mrs.U.K.Shah i/b K.D. Shah for the plaintiff.

None for the defendant.

CORAM : D.G. KARNIK,J.

DATED : 6th April 2005.

P.C.:

1. Heard the learned counsel for the plaintiff.. None present for the defendant though served.

2. The plaintiff has filed on record affidavit of service of summons for judgement. Despite service, the defendant has not filed an application for leave to defend nor filed any affidavit in reply.

3. The leaned counsel for the plaintiff gives up

the claim for interest prior to the date of institution of the suit.

4. The learned counsel for the plaintiff hands in original document along with a list. The documents are taken on record and collectively marked Exhibit-A.

5. I have perused the plaint and documents filed on record. In the absence of any affidavit in reply, the averments made in the plaint are deemed to be accepted. IN the absence of an application for leave to defend, the plaintiff is entitled to a decree under Order 37 Rule 3(6) of the Code of Civil Procedure.

6. For the reasons mentioned above, Summons for Judgement is made partly absolute and the suit of the plaintiff is decreed in part (for the principal sum) as follows:-

7. The defendant shall pay to the plaintiff a sum of Rs.1,45,754/- together with interest thereon at 9% p.a. from the date of the suit till payment and all costs of the suit.

D.G. KARNIK, J